

FILED

JUN 23 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Counsel for Defendant BARRY NUFELD

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BARRY NUFELD,

Defendant.

No. CR 05-245 MHP

STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING MOTION TO
SUPPRESS HEARING

Hearing Date: Monday, July
11, 2005 at 10:00 am

The Honorable Marilyn Hall
Patel

The undersigned parties stipulate as follows:

1. A motion to suppress hearing is currently set before this Court on July 11, 2005 at 10:00 AM.
2. Counsel for Mr. Nufeld did not file an opening motion due to difficulties in locating witnesses, although counsel continues diligently to locate said witnesses for trial;
3. As such, the parties jointly request that this Court vacate the motion to suppress hearing date of Monday, July 11, 2005 at 10:00 AM;

1 4. The parties further request that the Court put this case on calendar for trial setting
2 on ~~June 27, 2005~~ at 10:00 AM.

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4 5. The parties further request an exclusion of time under the Speedy Trial between
5 June 13, 2005 and June 27, 2005 for effective preparation of counsel. With the
6 Court's permission, counsel for both the government and the defense anticipate
7 that this case should be set for trial on either August 29, 2005 or August 22, 2005.

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9 IT IS SO STIPULATED.

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11 DATED: _____

_____/S/_____

12 ELIZABETH M. FALK
13 Assistant Federal Public Defender

14 DATED: _____

_____/S/_____

15 WILLIAM SHOCKLEY
16 Assistant United States Attorney

17 I hereby attest that I have on file all holographic signatures indicated by a "conformed"
18 signature (/S/) within this e-filed document.
19

20 **[PROPOSED] ORDER**

21 GOOD CAUSE APPEARING, it is hereby ORDERED that the Motion to
22 Suppress hearing in the aforementioned case is hereby continued from June 27, 2005 to
23 July 11, 2005 at 10:00 AM before this honorable Court. The briefing schedule for said
24 motion is hereby altered as stated by counsel in this stipulation.. Based on the
25 aforementioned representations of defense counsel, this Court further finds that counsel
26 for the defendant needs additional time to effectively prepare a defense for her client by
27 finding witnesses who are essential for trial, and that defense counsel believes that an
28 exclusion of time is in her client's best interest. Given these circumstances, this Court

1 finds that the ends of justice served by excluding the period between June 13, 2005 and
2 June 27, 2005 outweigh the best interest of the public and the defendant in a speedy trial.
3 An exclusion of time is thus appropriate under the Speedy Trial Act between May 27 and
4 June 13, 2005 to enable counsel to effectively prepare for trial, 18 U.S.C. § 3161(h)(8)(A)
5 & 18 U.S.C. § 3161(B)(iv).

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7 DATED: 6/22/05


8 THE HONORABLE MARILYN HALL PATEL
9 UNITED STATES DISTRICT JUDGE
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